

IN THE SUPREME COURT OF THE STATE OF DELAWARE

DAVID PENNINGTON,	§
	§ No. 253, 2019
Defendant Below,	§
Appellant,	§
v.	§ Court Below–Superior Court
	§ of the State of Delaware
	§
STATE OF DELAWARE,	§
	§ Cr. ID No. 1302020857 (S)
Plaintiff Below,	§
Appellee.	§

Submitted: October 11, 2019

Decided: October 15, 2019

ORDER

It appears to the Court that, on September 26, 2019, the Chief Deputy Clerk issued a notice, sent by certified mail, to the appellant to show cause why his appeal should not be dismissed for his failure to file his opening brief and appendix. The appellant received the notice to show cause as evidenced by the undated return receipt that was filed with the Court on September 30, 2019. A timely response to the notice to show cause was due on or before October 10, 2019. The appellant has not responded to the notice to show cause nor has he filed an opening brief. Dismissal of the appeal is therefore deemed to be unopposed.

NOW, THEREFORE, IT IS HEREBY ORDERED, under Supreme Court Rules 3(b) and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Karen L. Valihura
Justice